

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

VICTOR MARK SIMMONS,

Plaintiff,

v.

CASE NO. 19-3193-SAC

CRAWFORD COUNTY JAIL, et al.,

Defendants.

MEMORANDUM AND ORDER

This matter is a civil rights action filed under 42 U.S.C. § 1983 by a person held at the Crawford County Jail, Girard, Kansas. On October 18, 2019, the Court entered a Notice and Order to Show Cause (NOSC) directing plaintiff to show cause why this matter should not be dismissed due to his failure to commence this action within the governing two-year limitation period.

Plaintiff filed a timely response in which he states that it is only recently that he was "pointed in the right direction" in addressing his complaint. The Court liberally construes this to assert a claim of ignorance of the law.

"[I]t is well established that ignorance of the law, even for an incarcerated pro se [plaintiff], generally does not excuse prompt filing.'" *Caballero v. Wyandotte County Sheriff's Department*, \_\_\_ Fed. Appx. \_\_\_, 2019 WL 5214209, \*2 (10<sup>th</sup> Cir. Oct. 15, 2019) (quoting *Marsh v. Soares*, 223 F.3d 1217, 1220 (10<sup>th</sup> Cir. 2000)). Therefore, having considered the record, the Court finds this matter must be dismissed due to plaintiff's failure to file the complaint within the limitation period.

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed.

**IT IS SO ORDERED.**

DATED: This 27th day of November, 2019, at Topeka, Kansas.

S/ Sam A. Crow

SAM A. CROW

U.S. Senior District Judge